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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,766	11/29/2000	John M. Davidson	020533.0340	1919

7590

08/08/2006

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/726,766	<b>Applicant(s)</b> DAVIDSON ET AL.	
	<b>Examiner</b> Philip C. Lee	<b>Art Unit</b> 2152	


**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 19 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

see attached paper.


**JOHN FOLLANSBEE**  
 SUPERVISOR, APPEALS SECTION  
 TECHNOLOGY CENTER 2100

According to Content and Format of the Appeal Brief (section 41.37), Rules of Practice Before BPAI effective September 13, 2004, appellant must present the appeal brief under special headings, there is no separate heading for "Related proceedings appendix" in the appeal brief. According to the same Rules and Practice Before BPAI, appellant must contain a statement of the status of each amendment that has been filed subsequent to the final rejection, the statement in the appeal brief is incorrect. An Amendment after Final was submitted 11/21/05, and an Advisory Action was mailed on 12/21/05 in response to the Amendment after Final. According to the same Rules and Practice Before BPAI under "Summary of claimed subject matter", a concise explanation of the subject matter defined in each of the independent claims must refer to the specification by page and line number, and to the drawing, if any, by reference characters. The paragraph citations referenced in the "Summary of Claimed Subject Matter" must be change to page and line number, and to the drawing by reference characters of the specification originally filed on 11/29/00. Furthermore, the reference characters do not correspond to the figures (e.g. reference character 17 does not correspond to a first client and reference character 18 doe not corespond to a tunneling server.). The Grounds of Rejection to be Reviewed are incorrect, claims 12-18 and 42 are unpatentable under 101(claims 17 and 18 were missing), and claims 8,17,22,26,27 and 39 are rejected under 103 as being unpatentable over May, Shukla, Araujo in view of Zhang (claim 27 was missing)